

EXHIBIT “B”

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

520-2017-02916

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Mushtaq Ahmad

Home Phone (Incl. Area Code)

(845) 708-5837

Date of Birth

08/18/1957

Street Address

City, State and ZIP Code

10 Parliament Drive, New City, NY 10956

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

New York City Department of Education (NYCDOE)

No. Employees, Members

100,000 +

Phone No. (Include Area Code)

(718) 935-4000

Street Address

City, State and ZIP Code

65 Court Street, Brooklyn, NY 11201

Name

United Federation of Teachers

No. Employees, Members

100,000 +

Phone No. (Include Area Code)

212-777-7500

Street Address

City, State and ZIP Code

52 Broadway, New York, NY 10004

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☒ COLOR ☐ SEX ☒ RELIGION ☒ NATIONAL ORIGIN
☒ RETALIATION ☒ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☒ OTHER (Specify) **Harassment and unsafe work environment**
☒ OTHER **Failure to represent**

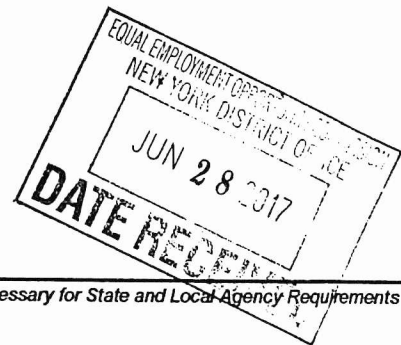
DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

See Attachment A = Mushtaq Ahmad's Charge of Discrimination

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge, information and belief.

06/28/2017

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

June, 28, 2017

NANCY R. LEX
 Notary Public, State of New York
 No. 01LE6097121
 Qualified in Putnam County
 Commission Expires Aug. 18, 2019

Attachment A
Mushtaq Ahmad's Charge of Discrimination

- 1- The complainant, Mushtaq Ahmad (hereinafter "Ahmad") is a 59 years old male, naturalized American citizen originally from Pakistan and a practicing Muslim. Ahmad was hired by the New York City Department of Education in 1999 as a science teacher.
- 2- Ahmad was rated as an outstanding teacher and granted tenure in 2004. However, Ahmad resigned in 2004 due to his acceptance of a chemistry teacher job in Clarkstown Central School District in Rockland County, New York. Ahmad received satisfactory ratings and evaluations there as well.
- 3- On or about August 3, 2015, Mr. Olearchik, (hereinafter "Principal") the Principal of School for Democracy and Leadership (hereinafter "SDL"), after interviewing Ahmad and observing his demo lesson on 07/16/2015, recommended Ahmad's hiring as a science teacher at SDL and, via telephone, promised to Ahmad that he would be teaching all chemistry classes except one Living Environment regents prep class.
- 4- On August 13, 2015, Principal told Ahmad via telephone that Mr. Tinkle, an investigator at the NYCDOE's Office of Personal Investigation (OPI) had told the Principal about Ahmad's discrimination lawsuit against East Ramapo Central School District ("ERCSD").
- 5- In retaliation of Ahmad's discrimination lawsuit against ERCSD, the Principal, at least 10 days after making his recommendation for Ahmad's hiring after the 1st demo lesson and interview, required Ahmad to come back for a 2nd demo on August 14, 2015. After the strange and unusual 2nd demo lesson, Kelly Houston, a science teacher, told Ahmad that it was Assistant Principal Catrina Williams who made Ahmad come back for the 2nd demo because Catrina Williams did not want to have a Muslim chemistry teacher in SDL.
- 6- Ahmad's hiring was processed by NYCDOE's Human Resource Office per Principal's recommendation made on or about August 3, 2015. However, After Ahmad's hiring, Ahmad was discriminated against based on his race religion and national origin and retaliated against based on his lawsuit against ERCSD.
- 7- After Ahmad's hiring at SDL, AP Catrina Williams said to Ahmad that it was she who made Ahmad come back for the second demo because she doubts Muslim people and they (Muslims) are doing wrong things all over the world.
- 8- SDL was on the 3rd floor of old Wingate HS campus but Ahmad was the only teacher who was assigned to a classroom on the 1st floor, which was equipped with chalkboard but Ahmad was not provided with even the eraser for that chalkboard. All of the classrooms, on the 3rd floor, were equipped with Whiteboard or Smartboard. Principal did not keep his promise of giving Ahmad all chemistry classes except one Living Environment regents prep class. However, the Principal gave Ahmad 2 chemistry classes, 2 Living Environment repeat classes and one regular Living Environment class during the 1st semester and in the 2nd semester Ahmad was given only 1 chemistry class, 2 Living Environment repeat classes and 1 Ecology/general science class. Due to Principal's retaliation, Ahmad, who was

enticed/allured in on Principal's falls promise, was compelled/forced to teach out of his license area and Ahmad was the only teacher who was given all living environment repeat classes but no teacher from Principal's race (Caucasian) got Living Environment repeat class or classes.

- 9- Most of the repeat students were from AP Williams and Julia Findley's classes. Principal did not rate them (AP Williams and Julia Findley) ineffective or developing but Ahmad on the basis of race, religion and national origin,
- 10- Ahmad was probably the only teacher who taught in the content area in the 1st period, called as (1 Circle) and it was only 30 minutes long. Ahmad's 1st period chemistry class was scheduled for only 30 minutes and 4 days a week with built-in labs, no separate lab period. Ahmad complained to the Principal and Assistant Principals about the 30 minutes 1st period only for 4 days (roughly 45 hours annual instructional time after deducting 1200 lab minutes mandated by NYSED) was not enough to cover the chemistry curriculum and the students were set for failure.
- 11- The school administration coached, manipulated, organized and used students against Ahmad, based on the race, religion and national origin. AP Catrina Williams and AP Emilie Mittiga brought students to curse at Ahmad, did nothing to stop the students from cursing, nor took any disciplinary action against the students who cursed at Ahmad in the presence of Assistant Principals.
- 12- Julia Findley, a teacher, on the basis of race, religion and national origin, let a student throw a solution of chemicals at Ahmad, did not stop the student from throwing chemicals, did not even tell the student not to assault Ahmad and make threats to him. However, Julia Findley smirked and took two students, out of the classroom, to the Dean's office, wrote a statement against Ahmad and helped the students to write statements against Ahmad. The Principal, based on the race, religion and national origin took no action against Julia Findley for not doing her duty of team-teaching with Ahmad and for staying out of the classroom.
- 13- Julia Findley asked other students in the school to write statements against Ahmad and told them that she did not want to see a Muslim teacher in SDL. Principal was informed about it but he took no action against Julia Findley; met with students to do witnesses coaching.
- 14- The Principal threatened Ahmad of dire consequences if Ahmad did not do, (in addition to his own work), the work of his team-teaching partners, Julia Findley and AP Williams. Julia Findley and AP Williams refused to agree to any of the team-teaching models identified by United Federation of Teachers ("UFT") and posted on UFT's website. The principal compelled and forced Ahmad to do his part/share and the parts/shares of his team-teacher partners, Julia Findley and AP Williams. Principal took no action against Julia Findley and AP Catrina Williams.

- 15- When Ahmad complained to the Principal that his team-teachers [Julia Findley and AP Williams] were not doing their fair share of teaching, then the principal told Ahmad to do all the work or face dire consequences.
- 16- AP Williams, AP Emilie Mittiga and the Principal Olearchik intentionally made the work environment hostile and unsafe for Ahmad due to his race, religion and national origin. The administrators took no action against the students who cursed at Ahmad, made threats to Ahmad, used "F" words about Ahmad's wife, stole NYCDOE property from Ahmad's classroom in the presence of Ahmad and removed resources from Ahmad's classroom. However, on the other hand, when students did anything negative in a Caucasian teacher's class, then the students were required to apologize from the Caucasian teacher.
- 17- On behalf of the school administration, A Caucasian Dean from SDL Dean's office, almost every school day, published students' names, their infractions, suspension, the new locations of the students during suspensions and those publication were sent to all SDL staff members through SDL global e-mail system. The Principal did not take any disciplinary action against that Caucasian Dean. However, on the other hand, the Principal put a disciplinary letter of verbal abuse in Ahmad's personnel File when Ahmad mentioned two students' names in a Do Now activity and gave that two students name on the Do Now only to the 3 students of the same lab-group. Principal had different rules for people of different races, religion and national origin.
- 18- Against the Collective Bargaining Agreement ("CBA"), Ahmad was forced by the school administrators to work during his duty-free lunch period, preparation period and after school. So far Ahmad has won 2 Grievances and 1 APPR complaint against the school administration.
- 19- The Principal and AP Williams intentionally lied and forced Ahmad to sign the observation report again, which he has signed, rebutted and grieved, so they can get rid of Ahmad's rebuttal, and grievance.
- 20- The school administration has doctored and tampered with Ahmad's personnel file.
- 21- AP Williams made false comment in Ahmad's formal observation evaluation report. All chemistry students' statements attached to Ahmad's rebuttal to the said evaluation report prove AP Williams wrong and intentional targeting of Ahmad on the basis of his race religion and national origin.
- 22- Ahmad opted for the videotaping of his formal observation, demanded for the videotaping but the Principal denied that request and that SDL administrators did not grant permission to the Ahmad to bring his own video camera and videotape his lesson.
- 23- SDL administration did not have enough lab aprons for all chemistry students When Ahmad brought the safety hazard issue to the principal's attention then the principal ordered Ahmad not do chemistry lab with his students but did not buy lab aprons and allow

students to compete their lab experiences required by the New York State Board of Regents. That was a deliberate attempt of the principal to make more students of Ahmad not eligible to take the NYS chemistry regent, let them fail and use the data against Ahmad.

- 24- The Principal pressurized Ahmad to give a yearly passing grade in a chemistry class to a student who was excessively absent, did not have enough labs, missing homework, quizzes and tests. Furthermore, when Ahmad did not give that student a passing grade, the student cursed at Ahmad in front of an AP. The AP did not tell the student not to curse, and neither the AP, nor the Principal took any action against the student.
- 25- May 27, 2016 was a fun day at SDL and there were no classes on that day. Ahmad was scheduled to have some joyful moments by watching food competition. However, the Principal of SDL put Ahmad in isolation in his office and required him to grade mock chemistry regent. The purpose was to keep Ahmad away from the gatherings inside and outside the school, and that was done due to Ahmad's race, religion and national origin.
- 26- When Ahmad gave shout out to himself for working on the fun day and being seated in isolation, the Principal came to Ahmad's classroom and said that Ahmad was low level and the principal himself was way above and beyond that level. Thereafter, the Principal removed Ahmad from SDL global, which was global e-mail system to keep all staff informed about the school and students suspensions. It was only Ahmad who was kept in dark, not allowed to have access to the information other staff had access to.
- 27- A student was coached helped and provided support by Ms. Findley and Ms. Williams to disobey, curse and attack Ahmad. Ahmad escaped an attack. The Principal, instead of providing safe work environment, told Ahmad to hide and sneak out of the building. Ahmad brought the incident to UFT's attention and requested to share this with the superintendent. No action was or has been taken against the student, Ms. Findley or Ms. Williams. The Principal, instead of providing safe work environment, told Ahmad to hide and sneak out of the building when Ahmad escaped an attack on him arranged by AP Catrina Williams and Julia Findley. The student was coached helped and provided support by Ms. Findley and Ms. Williams to disobey, curse and attack Ahmad on the basis of race, religion and national origin.
- 28- AP Williams lacked knowledge of Biological Science, but to put Ahmad down in students' eyes during period 4 on March 23, 2016, Ms. Williams told Ahmad's students that their answer was wrong, applying that Ahmad's teaching was wrong, when, in facts, Ms. Williams was wrong and lacked knowledge in her own specialty. After exposing her lack of knowledge during period 4 on March 23, 2016, Ms. Williams conspired with Ms. Julia Findley and students of period 5. Thereafter, on the same day, in period 5 on March 23, 2016, a student with the support of Ms. Findley cursed at Ahmad and threw chemicals at Ahmad. Julia Findley did not say anything to the student, she smirked, instead of co-teaching, left the classroom with two other students, wrote statement against Ahmad and

helped the student to write statements against the Ahmad, based on Ahmad's race, religion and national origin.

- 29- Whatever happened in period 5 was preplanned and arranged by the work in-cahoots of Ms. Findley and Ms. Williams after Ms. Williams exposed her lack of knowledge of biological science in period 4 on the same day.
- 30- The principal's restorative justice people required Ahmad to sit in their office for a meeting during his prep period (Ahmad's contractual right to have a duty-free prep period was violated) when they did not show up for the meeting. However, two days later, the so-called restorative justice person removed Ahmad and a student from the ongoing instructional class to have a meeting in the hallway. No adult supervised the students during that meeting. It was a wastage of students learning time and insult to Ahmad. The person from the restorative justice was of the same race as of the principal and the Principal took no action against that person because of her race as a Principal's.
- 31- When students disrespected a teacher from Principal's race then students were required to apologize but, on the other hand students were coached and brought to curse at the Asian Muslim teacher, Ahmad. The January 14, 15, 19 and 20, 2016 lists of suspensions, published with students' names, infractions and their suspension details, and circulated to all SDL staff through SDL global, state, ["Kashka and Caroline will both meet with Finnegan to apologize and discuss incident."]. Ms. Finnigan was from the Principal's race. On the other hand, Principal took no action against anyone when AP Williams, AP Emilie Mittiga, teacher Julia Findley and teacher Kelly Houston coached students to curse at Ahmad, harass him and make him fear for his life, run away and hide in the teachers' lounge.
- 32- Julia Findley and Ms. Williams (scheduled to be Ahmad's team-teachers) did not agree to co-teach according to any of the 6 Models of Team Teaching posted on UFT's website. However, the principal showed favoritism and inequitably forced Ahmad to do all of the work, (most of the time throughout the school year) and never required Julia Findley and Ms. Williams to do their fair share in team teaching. Julia Findlay and AP Williams numerous times were present in the school building but did not bother to come to the classroom to do team teaching they were scheduled for.
- 33- A student misbehaved, took a copy of the test, went to Kelly Houston, got help from her to complete the test, Ahmad marked the student absent because she remained absent throughout the period; at the end of the period the students returned and took the attendance sheet with her. The student was written up but, again, no action was taken by the administration even when a student robbed NYCDOE property.
- 34- Two students were given a key to enter Ahmad's classroom and take away/remove resources from Ahmad's classroom.

- 35- Kelly Houston, a teacher from Principal's race, used an article containing highly controversial and racist material and the principal did nothing against that teacher. On the other hand, the principal kept falsely alleging an Asian Muslim chemistry teacher and putting unfair and unjust disciplinary letters in Ahmad's personnel file, and terminated him because of the hatred and prejudice against Muslims he is walking with.
- 36- Ahmad resigned under protest due to hostile and unsafe work environment, but a month later, rescinded/retracted the resignation for the better future of our children and the better future of America.
- 37- Per superintendent's letter dated 07/08/2016 Ahmad's termination became effective 60 days from the date of the letter; (probably on 09/06/2016). Furthermore, recommendations for the termination of Ahmad's teaching license was made and Ahmad social security number was placed on the inquiry list (flagging).
- 38- United Federation of Teachers ("UFT") failed to fulfill its obligation of duty of fair representation and tried to push Ahmad sign stipulations for the benefit of the employer (NYCDOE) and its administrators.
- 39- The actions set forth were undertaken without just cause and on the basis of Ahmad's race, religion, national origin, age in violation of Title VII of the Civil Rights Act of 1964: 42 U.S.C. § 2000e, *et seq.* ("Title VII"), the Age Discrimination in Employment Act: 29 U.S.C. § 621, *et seq.* (ADEA), §§ 102 and 103 of the Civil Rights Act of 1991, New York Executive Law § 296 – Human Rights Law – Unlawful discriminatory practices, and § 291-Equality of Opportunity-a Civil Right